

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1208 OF 2017
IN
FIRST APPEAL NO. 576 OF 1995**

Dinkar Parasu Rabade (Since deceased) Through LRs. V/s. Sadashiv Parasu Rabade & Anr.	...	Applicants Respondents
--	-----	-------------------------------

- Mr.P.D. Dalvi i/b. Mr.Kalpesh Patil for the Applicants.
- Mr.Kedar P. Lad for Respondent Nos.2C, 2E, 2F and 2G.
- Mr.C.G. Gavnekar a/w. Mr.A.C. Gavnekar a/w. Mr.G.S. Hiranandani for Respondent No.1.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 16th JANUARY, 2019.

P.C. :

- 1] Heard learned counsel for both the parties.
- 2] This application is preferred for condonation of delay in order to bring on record the legal heirs of the sole Appellant who has died during the pendency of the Appeal.
- 3] Though there is substantial delay of 14 years and 285 days, learned counsel for Respondent No.1 fairly concedes that the said delay may be condoned, so that the Appeal which is filed in the year 1995 can be heard on merit.

4] In view thereof, the Application is allowed. The delay is condoned. The abatement of the Appellant is set-aside. The Appellant to carryout necessary amendment in the Appeal Memo to bring on record legal heirs of the Appellant within the period of two weeks from today.

[DR.SHALINI PHANSALKAR-JOSHI, J.]